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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,441	08/17/2001	Richard A. Vaughan	EXIN117646	3493

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

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12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/932,441

Applicant(s)

VAUGHAN ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24-39, 41-64, 66-80 and 82-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24-39, 41-64, 66-80 and 82-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/07 and 11/30/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's arguments filed on 10/18/2007.
2. Claims 1-22, 24-39, 41-64, 66-80 and 82-88 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 13, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin, III (U.S. Patent No. 6,397,199) in view of Borders et al (U.S. Pat. No. 7,177,825).

As per claim 1, Goodwin III teaches a method implemented in a computer device for processing an available inventory item query corresponding to inventory items defined by inventory information, comprising: storing a set of available inventory information according to a three level hierarchy, wherein the three level hierarchy includes: at least one group record defining a first level of detail for inventory information; a set of item category records defining a second level of detail that is associated to a referenced group record and corresponds to types of inventory items for the referenced group; obtaining, by the computer device, an available inventory query, the query including a

set of criteria; determining at least one inventory item matching the query criteria, and transmitting matching group record, item category record, and inventory record data for the matching inventory item (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*). Goodwin III fails to teach inventory records defining a third level of detail corresponding to instances of inventory item types referenced by the set of item category records.

It is to be noted that Borders discloses in fig 13 that a DC 1300 organizes inventory merchandise (or third level inventory item) into different picking categories, depending upon the recommended storage temperature of the item. For example, an item which is typically stored at ambient or room temperature will be stocked in the ambient inventory section (1302) of the DC (*see., Roberts, abstract, fig 13, col 36, lines 14-35*). However, it would be obvious to modify the teaching of Goodwin by including the limitation detailed above as taught by Roberts because this would enhance the inventory system of Goodwin III.

As per claim 2, Goodwin III teaches a method wherein determining at least one inventory item includes identifying all inventory items matching the query criteria, wherein each identified inventory item corresponds to a GROUP RECORD and GROUP RECORD inventory record (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 3, Goodwin III teaches a method wherein determining at least one inventory item includes applying a supplier limitation of use to select a corresponding GROUP RECORD and GROUP RECORD inventory record (see *abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 4, Goodwin III teaches a method wherein determining at least one inventory item includes applying a consumer selection limitation of use to select a corresponding GROUP RECORD and GROUP RECORD inventory record (see *abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 5 and 13, Goodwin III teaches a method further comprising processing the data associated with the identified GROUP RECORD and GROUP RECORD inventory records prior to transmitting the data (see *abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 6, 7, Goodwin III teaches a method wherein processing the data includes generating a price corresponding to the set of query criteria, ordered list of prices for one or more inventory items (see *abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 22, Goodwin III teaches a method wherein the available inventory query is a user-specified, available inventory query (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 23, Goodwin III teaches a method wherein the GROUP RECORD information includes a GROUP RECORD group record defining a third level of detail, and wherein the GROUP RECORD and GROUP RECORD inventory records correspond to the GROUP RECORD group (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 24, Goodwin III teaches a computer-readable medium having computer-executable instructions operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

As per claim 25, Goodwin III teaches a computer system having a processor, a memory, and an operating environment, the computer system operable for performing the method recited in any one of claims 1-23 (*see abstract, figs 2, col. 1 lines 42-col. 2 line 9, 2 line 63-3 line 27, 4 line 9-60*).

5. Claims 8-12, and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin, III (U.S. Patent No. 6,397,199) **and Roberts** in further view Murch et al (U.S. PG Pub. 2002/0173996).

As per claims 8-12; P Goodwin, III and Roberts fail to teach a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use. However, Murch et al teach a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use (*see figs 2, 3, 13-19, paragraphs 0011, 0012, 0033, 0054*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goodwin, III and Roberts disclosures to include Murch et al a method wherein processing the data includes applying any date based price adjustments based is a tax rate, is a service charge is an extra person charge, is a point of sale variance computed by a date of use because this would have provided and asynchronous booking with an inventory search query from a consumer. A list of possible travel inventory selections that could be retrieved in response to the search query and presented to the consumer on a client device then respond to the limited availability request by accessing the inventory server and returning an availability response as to whether that particular piece of travel inventory is available at the specified dates and/or times.

As per claims 14-21, Goodwin, III and Roberts fail to teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car. However, Murch et al teach a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car (*see figs 2, 3, 13-19, paragraphs 0011, 0012, 0033, 0054*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify T Goodwin, III and Roberts disclosures to include Murch et al a method wherein the inventory includes travel-based goods and services and wherein the available inventory query includes an available travel-based goods and services query a date or date range selected by a graphical user interface, a selection of a destination, a hotel or hotel room-type, an airline or airline flight, a cruise or cabin type, a car rental vendor or car because this would have provided an asynchronous booking with an inventory search query from a consumer wherein a list of possible travel inventory selections that could be retrieved in response to the search query and presented to the consumer on a client device then respond to the limited availability request by accessing the inventory server and

returning an availability response as to whether that particular piece of travel inventory is available at the specified dates and/or times.

As per claims 26-89, they disclose the same invention concept as claims 1-25 and do not further limit the scope of the invention. Therefore, they are rejected under the same rationale as claims 1-7, 13, 22-25.

RESPONSE TO ARGUMENTS

6. Applicant's arguments with respect to claims 1-22, 24-39, 41-64, 66-80 and 82-88 have been fully considered but they are moot in view of new ground (s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 17, 2007


PIERRE EDDY ELISCA
PRIMARY EXAMINER
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